

**In re Application of:**

[illegible]

# HOLDER FOR SURGICAL INSTRUMENTS

) ) ) ) ) ) )

)  
)  
)  
)  
)

)
)
)

)

July 29, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## CERTIFICATION OF EXPRESS MAILING UNDER 37 CFR 1.10

I hereby certify that the attached **INFORMATION DISCLOSURE STATEMENT** and any documents referred to as enclosed therewith are being deposited with the United States Postal Service on this date **July 29, 2005**, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EL903357241US**, addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Henry E. Bartony, Jr.  
PERSON MAILING PAPER

PERSON MAILING PAPER  
*Henry C. Bartsch*  
 SIGNATURE OF PERSON MAILING PAPER

July 29, 2005

DATE \_\_\_\_\_



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

ROBERT W. LEITCH )

Serial No. 10/516,855 )

Filed: December 03, 2004 )

Art Unit: 3728 )

Examiner: To be assigned )

Attorney Docket No. 04-053 )

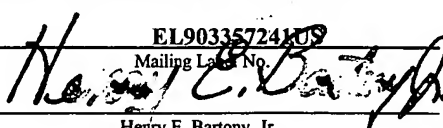
**HOLDER FOR SURGICAL  
INSTRUMENTS**

Pittsburgh, Pennsylvania 15219

July 29, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence and any document referred to as enclosed herewith are being deposited with the United States Postal Service in an envelope as United States Express Mail addressed to Mail Stop Amendment, Commissioner for Patents. P. O. Box 1450, Alexandria, VA 22313-1450	
	
Mailing Label No. <b>EL90335724105</b>	
Henry E. Bartony, Jr., Registration No 34, 772	
July 29, 2005 Dated	

**INFORMATION DISCLOSURE STATEMENT**

In compliance with Applicant's duty of disclosure under 37 C.F.R. § 1.56, Applicant submits the attached one sheet of Form PTO/SB/08A listing publications for consideration by the Examiner. Kindly, make these publications of record in the file of the application.

### STATEMENT OF RELEVANCY

The relevance of the publications listed on attached Form PTO/SB/08A is apparent from their disclosure.

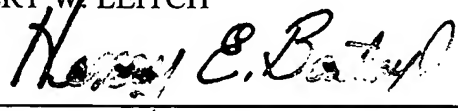
The Examiner is respectfully requested to initial a copy of the attached Form to show consideration of the publications, and to return the initialed form to the undersigned Attorney for Applicant.

Applicant notes that although the cited references may be relevant to the examination of the above-referenced application, the filing of this Statement is not an admission that the information cited in the statement is, or is considered to be, prior art or to be material to patentability as defined in § 1.56(b).

Applicant believes that no fee is required in connection with this Information Disclosure Statement. However, The United States Patent and Trademark Office is also hereby authorized to charge any such fee that may be required to Deposit Account No. 02-1065. A duplicate copy of this Information Disclosure Statement is transmitted herewith.

Respectfully submitted,

ROBERT W. LEITCH

By 

Henry E. Bartony, Jr., Esq.  
Reg. No. 34,772

Bartony & Hare, LLP  
Law & Finance Building  
Suite 1801, 429 Fourth Avenue  
Pittsburgh, Pennsylvania 15219  
412-338-8632 (telephone)  
412-338-6611 (fax)  
Attorney for Applicants

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

*(Use as many sheets as necessary)*

Sheet	1	of	1
-------	---	----	---

**Complete if Known**

Application Number	10/516,855
Filing Date	12/03/2004
First Named Inventor	ROBERT W. LEITCH
Art Unit	3728
Examiner Name	TO BE ASSIGNED
Attorney Docket Number	04-053

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	B1	WO 01/08583 A1	02-08-2001	AESCLAP AG & CO. KG		
	B2	WO 96/39091 A1	12-12-1996	ORTHOFIX S.R.L.		
	B3	GB 2316857 A	03-11-1998	KLEENEZE SEALTECH LIMITED		
	B4	DE 2834474 A1	02-14-1980	AESCLAP-WERKE AG		
	B5	WO 03/103526 A1 **	12-18-2003	Robert W. Leitch		
		**INTERNATIONAL PCT APPLICATION PCT/AU03/00705 CORRESPONDING TO THE PRESENT US APPLICATION			**INTERNATIONAL SEARCH REPORT	

**Examiner  
Signature**

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.**